

AO91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of TexasUnited States Courts  
Southern District of Texas  
FILED

June 24, 2021

Nathan Ochsner, Clerk of Court

United States of America  
v.  
Nestor Mariano Vidal BatistaCase No. **4:21-MJ-1411**Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 23, 2021 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:Code Section  
Title 18 U.S.C. section 1361Offense Description  
Willfully Injuring or Committing any depredation  
exceeding \$1000.00 against any property of the United  
States.

This criminal complaint is based on these facts:

On or about June 23, 2021, in the Southern District of Texas, NESTOR MARIANO VIDAL BATISTA, ("VIDAL"), the defendant, willfully and knowingly violated Title 18, United States Code, Section 1361, Destruction of Government Property.

(Continued on the attached sheet.)



Complainant's signature

Special Agent Kimberly J. Webster F.B.I.

Printed name and title

Sworn to before me by telephone.

Date: June 24, 2021

Judge's signature

City and state: Houston, TexasFrances Stacy  
United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Your Affiant, Kimberly J. Webster, being duly sworn, deposes and says:

On or about June 23, 2021, in the Southern District of Texas, NESTOR MARIANO VIDAL BATISTA, (“VIDAL”), the defendant, willfully and knowingly violated Title 18, United States Code, Section 1361, Destruction of Government Property.

I have been employed by the Federal Bureau of Investigation (“FBI”) since 2010 and have been employed as a Special Agent with the FBI since 2014. My primary duties involve investigating federal law violations. As a Special Agent, I have been assigned to a Law Enforcement Corruption Task Force, charged with investigating corruption by Law Enforcement Officers and violations related to Color of Law. I have been temporarily assigned to work Violent Crime violations in Special Jurisdiction territory. Prior to my career as an Agent, I spent approximately four years as an Intelligence Analyst. I have experience conducting surveillance, interviewing witnesses, executing search and arrest warrants, electronic surveillance, consensual monitoring, Title III’s, and other investigative techniques. In addition, I have received advanced training in interviewing and interrogation of suspects. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

The statements contained in this Affidavit are based in part on: information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that NESTOR MARIANO VIDAL BATISTA, (“VIDAL”), committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

**PROBABLE CAUSE**

NESTOR MARIANO VIDAL BATISTA, (“VIDAL”) committed a violation of Title 18, United States Code, Section 1361 at the premises of 1 Justice Park Drive, Houston, Texas, a facility owned or inhabited by the United States federal government on June 23, 2021. This affidavit is intended to show there is sufficient probable cause to support a Complaint and Arrest Warrant for a violation of Title 18, United States Code, Section 1361. It does not set forth all my knowledge about this matter. In support of this request, I submit the following:

The suspect is NESTOR MARIANO VIDAL BATISTA, (“VIDAL”), a citizen of Cuba.

The facts and circumstances alleged in this affidavit occurred within the Southern District of Texas on June 23, 2021. More specifically, the below described location is owned or inhabited by the Federal Bureau of Investigation, a department of the United States federal government.

On June 23, 2021, VIDAL attempted to lodge an in-person complaint at Houston FBI Headquarters (1 Justice Park Drive, Houston, Texas). Upon being referred to the local authorities by FBI security, VIDAL left the premises in a truck (2019 RAM 2500, silver color, VIN 3C6UR5DL9KG679149), circled the area around or near the FBI building, and proceeded to use the truck as a “ramming device” to drive through the vehicle security gates to gain forced access to FBI Houston property. Upon forcing entry through the front vehicle gates and causing damage on FBI property, VIDAL proceeded to run on foot into the front lobby visitation area and was apprehended by FBI security and Agents and his identity was confirmed as NESTOR MARIANO VIDAL BATISTA.

FBI Security specialists estimate damages to the gate to be greater than \$1000.00 and upwards of \$50,000.

Enterprise rental car company provided information revealing the truck was stolen from the last known renter, Sikes Group Inc., a construction company in Houston, Texas. The vehicle was reported

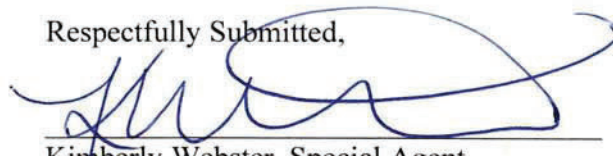
as having been stolen on June 23, 2021 from a southwest Houston construction site by a male subject who jumped in the truck and drove away running over a barrier in the process and almost striking four workers. Police were called to the scene. The truck was reported as stolen in a Houston Police Department incident report 0844818-21.

VIDAL was interviewed by FBI Special Agents at the FBI Houston office. VIDAL made erratic statements to FBI Agents indicating he stole the aforementioned vehicle before the Agents were able to advise him of Miranda rights.

A search of FBI databases revealed VIDAL made several past attempts to bypass security measures to gain entry onto FBI Houston property. Specifically, two separate attempts by VIDAL to physically climb over the security fence were reported in December 2020, which were both referred to the Harris County District Attorney's Office for consideration for prosecution.

Based on a review of this case, and based on my knowledge and experience, I, as your Affiant believe probable cause exists to show that NESTOR MARIANO VIDAL BATISTA committed the offense of Destruction of Government Property in violation of Title 18, United States Code, Section 1361.

Respectfully Submitted,



Kimberly Webster, Special Agent  
Federal Bureau of Investigation

Sworn before me this 24<sup>th</sup> day of June 2021.



Honorable Frances H. Stacy  
United States Magistrate Judge